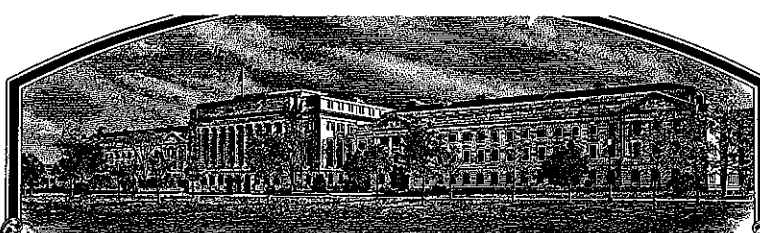


No.

200800078



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

West Bred LLC.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'Winterhawk'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of April, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

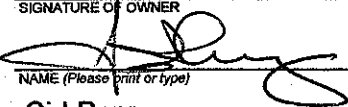
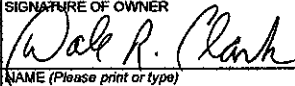
1. NAME OF OWNER WestBred LLC		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME HV9W02-846R		3. VARIETY NAME Winterhawk	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 14604 S. Haven Rd. Haven, KS 67543		5. TELEPHONE (include area code) 620-465-2675		FOR OFFICIAL USE ONLY PVPO NUMBER #200800078 FILING DATE January 25, 2008	
		6. FAX (include area code) 620-465-2693			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Limited Liability Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Arizona			
		9. DATE OF INCORPORATION 8/4/2003			
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Sid Perry, Ph.D., WestBred LLC, 14604 S. Haven Rd., Haven, KS 67543 Dale Clark, Ph.D., WestBred LLC, 81 Timberline Dr., Bozeman, MT 59718				FILING AND EXAMINATION FEES: \$ 4,382.00 DATE 1/25/08 CERTIFICATION FEE: \$ 768.00 DATE 2/12/08	
11. TELEPHONE (Include area code) 620-465-2675		12. FAX (Include area code) 620-465-2693		13. E-MAIL sperry@westbred.com	
14. CROP KIND (Common Name) Wheat		16. FAMILY NAME (Botanical) Poaceae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP triticum aestivum		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)	
a <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				YES (If "yes", answer items 21 and 22 below) NO (If "no", go to item 23) UNDECIDED	
				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.					
The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.					
Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 		SIGNATURE OF OWNER 			
NAME (Please print or type) Sid Perry		NAME (Please print or type) Dale Clark			
CAPACITY OR TITLE Wheat Breeder		DATE 12/20/2007		CAPACITY OR TITLE Research Director	
				DATE 12/20/2007	

Exhibit A – Breeding History for Winterhawk

HV9W02-846R (Winterhawk) was derived from the cross 474S10-1/X87807//HBK736-3, made by Kansas State University in Manhattan KS in 1995. The lines represented in the pedigree are experimental lines from the old Pioneer wheat program that donated their material to Kansas State University in the early 90's. The F1 was increased in Manhattan in 1996. F2 populations were grown in 1997. Individual plants were harvested on the basis of leaf rust resistance within the population and bulked to form an F3 population. In 1998, individual plants were selected based on resistance to leaf rust and bulked to form an F4 population. In 1999, individual plants were selected based on resistance to leaf rust and bulked to form an F5 population. In 2000, Goertzen Seed Research selected plants from the F6 population grown at Hutchinson, KS based on resistance to leaf rust. In 2001, F7 head row families were grown in Haven, KS. A single head row was harvested on the basis of vigor and good foliar disease resistance. An F8 observation plot was grown at Haven, KS in 2002, and selected on the basis of vigor, good foliar resistance, and high test weight. F9 head rows were grown in Milliken, CO in 2003. Multiple heads were selected from a single head row on the basis of vigor and straw strength. F10 head rows were grown in Milliken, CO in 2004. A single head row was harvested on the basis of vigor and straw strength. An F11 strip increase was grown in Milliken, CO in 2005. Breeder seed was produced in Milliken, CO in 2006.

Winterhawk has been observed for four generations of reproduction, and is stable and uniform. Variants that may occur include taller (5-10 cm) plants at a rate of 0.1%, and bronze/brown chaffed plants at a rate of 0.01%.

#200800078

Exhibit B – Statement of Distinctness for “Winterhawk”

Winterhawk is most similar to the variety Endurance except that it has erect and non-twisted flag leaves, while the flag leaves of Endurance are recurved and twisted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

Exhibit C

**OBJECTIVE DESCRIPTION OF VARIETY
Wheat (*Triticum* spp.)**

NAME OF APPLICANT (S) WestBred LLC	TEMPORARY OR EXPERIMENTAL DESIGNATION HV9W02-846R	VARIETY NAME Winterhawk
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) 14604 S. Haven Rd., Haven, KS. 67543 USA		FOR OFFICIAL USE ONLY PVPO NUMBER #200800078

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g., or) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: RHS. Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

- 1 = Common
2 = Durum
3 = Club
4 = Other (Specify) _____

2. VERNALIZATION:

- 1 = Spring
2 = Winter
3 = Other (Specify) _____

3. COLEOPTILE ANTHOCYANIN:

- 1 = Absent 2 = Present

4. JUVENILE PLANT GROWTH:

- 1 = Prostrate 2 = Semi-Erect 3 = Erect

5. PLANT COLOR: (boot stage) RHS 147A

- 1 = Yellow-Green
2 = Green
3 = Blue-Green

6. FLAG LEAF: (boot stage)

- 1 = Erect 2 = Recurved
 1 = Not Twisted 2 = Twisted
 1 = Wax Absent 2 = Wax Present

7. EAR EMERGENCE:

Number of Days (Average)

Number of Days Earlier Than

Same As

Number of Days Later Than

* Smoky Hill
*
* Overley
*Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

8. ANTHOR COLOR:

- 1 = Yellow 2 = Purple

4

9. PLANT HEIGHT: (from soil to top of head, excluding awns)

#200800078

104

cm (Average)

13

cm Taller Than

Santa Fe

Same As

Keota

cm Shorter Than

10. STEM:

A. ANTHOCYANIN

1

1 = Absent 2 = Present

B. WAXY BLOOM

2

1 = Absent 2 = Present

C. HAIRINESS (last internode of rachis)

1

1 = Absent 2 = Present

D. INTERNODE

1

1 = Hollow

2 = Semi-Solid

3 = Solid

5

Number of Nodes

E. PEDUNCLE

3

1 = Erect 2 = Recurved

3 = Semi-Erect

9.2

cm Length

9.2 cm

MA 1-31-08

F. AURICLE

1

Anthocyanin:

1 = Absent

2 = Present

1

Hair:

1 = Absent

2 = Present

11. HEAD: (At Maturity)

A. DENSITY

2

1 = Lax

2 = Middense (Laxidense)

3 = Dense

B. SHAPE

1

1 = Tapering

2 = Strap

3 = Clavate

4 = Other (Specify)

C. CURVATURE

2

1 = Erect

2 = Inclined

3 = Recurved

D. AWNEDNESS

4

1 = Awnless

2 = Apically Awnletted

3 = Awnletted

4 = Awned

12. GLUMES: (At Maturity)

A. COLOR

1

1 = White

2 = Tan

3 = Other (Specify)

B. SHOULDER

5

1 = Wanting

2 = Oblique

3 = Rounded

4 = Square

5 = Elevated

6 = Apiculate

7 = Other (Specify)

C. SHOULDER WIDTH

1

1 = Narrow

2 = Medium

3 = Wide

D. BEAK

3

1 = Obtuse

2 = Acute

3 = Acuminate

E. BEAK WIDTH

1

1 = Narrow

2 = Medium

3 = Wide

F. GLUME LENGTH

3

1 = Short (ca. 7 mm)

2 = Medium (ca. 8 mm)

3 = Long (ca. 9 mm)

G. WIDTH

3

1 = Narrow (ca. 3 mm)

2 = Medium (ca. 3.5 mm)

3 = Wide (ca. 4 mm)

H. PUBESCENCE

1

1 = Not Present

2 = Present

6

13. SEED:

A. SHAPE

- ☒ 1 = Ovate
☐ 2 = Oval
☐ 3 = Elliptical

B. CHEEK

- ☐ 1 = Rounded
☐ 2 = Angular

C. BRUSH

- ☒ 1 = Short
☐ 2 = Medium
☐ 3 = Long
- ☐ 1 = Not Collared
☐ 2 = Collared

D. CREASE

- ☐ 1 = Width 60% or less of Kernel
☐ 2 = Width 80% or less of Kernel
☐ 3 = Width Nearly as Wide as Kernel
- ☐ 1 = Depth 20% or less of Kernel
☐ 2 = Depth 35% or less of Kernel
☐ 3 = Depth 50% or less of Kernel

E. COLOR

- ☒ 1 = White
☐ 2 = Amber
☐ 3 = Red
☐ 4 = Other (Specify) _____

F. TEXTURE

- ☐ 1 = Hard
☐ 2 = Soft
☐ 3 = Other (Specify) _____

G. PHENOL REACTION (See Instructions)

- ☒ 1 = Ivory
☐ 2 = Fawn
☐ 3 = Light Brown
☐ 4 = Dark Brown
☐ 5 = Black

H. SEED WEIGHT

- ☒ 37 g/1000 Seed (whole number only)

I. GERM SIZE

- ☒ 1 = Small
☐ 2 = Midsize
☐ 3 = Large

14. DISEASE: PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

(0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

- | | |
|---|---|
| <input type="checkbox"/> 1 Stem Rust (<i>Puccinia graminis</i> f. sp. <i>tritici</i>) | <input checked="" type="checkbox"/> 2 Leaf Rust (<i>Puccinia recondita</i> f. sp. <i>tritici</i>) |
| <input checked="" type="checkbox"/> 2 Stripe Rust (<i>Puccinia striiformis</i>) | <input type="checkbox"/> 0 Loose Smut (<i>Ustilago tritici</i>) |
| <input type="checkbox"/> 0 Tan Spot (<i>Pyrenophora tritici-repentis</i>) | <input type="checkbox"/> 0 Flag Smut (<i>Urocystis agropyri</i>) |
| <input type="checkbox"/> 0 Halo Spot (<i>Selenophoma donacis</i>) | <input type="checkbox"/> 0 Common Bunt (<i>Tilletia tritici</i> or <i>T. laevis</i>) |
| <input type="checkbox"/> 0 Septoria nodorum (Glume Blotch) | <input type="checkbox"/> 0 Dwarf Bunt (<i>Tilletia controversa</i>) |
| <input type="checkbox"/> 0 Septoria avenae (Speckled Leaf Disease) | <input type="checkbox"/> 0 Karnal Bunt (<i>Tilletia indica</i>) |
| <input type="checkbox"/> 0 Septoria tritici (Speckled Leaf Blotch) | <input type="checkbox"/> 1 Powdery Mildew (<i>Erysiphe graminis</i> f. sp. <i>tritici</i>) |
| <input type="checkbox"/> 0 Scab (<i>Fusarium</i> spp.) | <input type="checkbox"/> 0 "Snow Molds" |
| <input type="checkbox"/> 0 "Black Point" (Kernel Smudge) | <input type="checkbox"/> 0 Common Root Rot (<i>Fusarium</i> , <i>Cochliobolus</i> and <i>Bipolaris</i> spp.) |
| <input type="checkbox"/> 0 Barley Yellow Dwarf Virus (BYDV) | <input type="checkbox"/> 0 Rhizoctonia Root Rot (<i>Rhizoctonia solani</i>) |
| <input type="checkbox"/> 1 Soilborne Mosaic Virus (SBMV) | <input type="checkbox"/> 0 Black Chaff (<i>Xanthomonas campestris</i> pv. <i>translucens</i>) |
| <input type="checkbox"/> 1 Wheat Yellow (Spindle Streak) Mosaic Virus | <input type="checkbox"/> 0 Bacterial Leaf Blight (<i>Pseudomonas syringae</i> pv. <i>syringae</i>) |
| <input checked="" type="checkbox"/> 3 Wheat Streak Mosaic Virus (WSMV) | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Other (Specify) _____ |

15. INSECT: (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

- | | |
|--|--|
| <input type="checkbox"/> 1 Hessian Fly (<i>Mayetiola destructor</i>) | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> 0 Stem Sawfly (<i>Cephus</i> spp.) | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> 0 Cereal Leaf Beetle (<i>Oulema melanopa</i>) | <input type="checkbox"/> Other (Specify) _____ |

15. INSECT: (continued) (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

PLEASE SPECIFY BIOTYPE (Where Needed)

- ☐ Russian Aphid (*Diuraphis noxia*)
- ☐ Greenbug (*Schizaphis graminum*)
- ☐ Aphids

- ☐ Other (Specify) _____
- ☐ Other (Specify) _____
- ☐ Other (Specify) _____

#200800078

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS:

Milling and Baking Quality Data from Horizon Milling

Year	VARIETY	WHEAT PROTEIN	TW	TKW	SKHT HARDNESS	FALLING NUMBER	Vol cc	Volume	Grain	Texture	Color	Absorption	Makeup	Dough handling	Mix Tolerance	BAKE
2005	Aspen	13.9	56.0	30.7	49.0	129	1003	G	ACC	ACC	G	G	G	G	ACC	VG
2006	Aspen	15.1	59.8	35.2	62.3	494	958	ACC	G	ACC	G	G	G	G	ACC	G
2006	Aspen	14.9	60.5	36.6	67.3	539	920	ACC	ACC	ACC	G	G	G	G	ACC	ACC
2004	Spartan	12.3	57.6	30.2	65.3	405	1063	G	ACC	ACC	G	G	G	G	G	EX
2005	Spartan	13.5	56.4	28.8	66.4	422	1088	G	ACC	ACC	G	G	G	G	G	EX
2006	Spartan	14.6	60.3	34.7	74.5	528	948	ACC	ACC	ACC	G	G	G	G	ACC	G
31.3																
2005	Winterhawk	12.6	61.9	35.9	53.6	508	988	ACC	ACC	ACC	G	G	G	G	G	G
2006	Winterhawk	15.0	61.6	38.5	61.0	532	973	ACC	ACC	ACC	G	G	G	G	ACC	G
2004	Smoky Hill	14.3	57.8	26.0	75.9	491	978	ACC	ACC	ACC	G	G	G	G	ACC	G
2005	Smoky Hill	15.7	59.8	27.2	76.0	559	1013	G	ACC	ACC	G	G	G	G	ACC	VG
2004	Jagalene	14.1	61.4	31.8	77.2	455	1060	G	ACC	ACC	G	G	G	G	G	EX
2005	Jagalene	12.9	60.6	30.1	66.3		1012	G	ACC	ACC	G	G	G	G	G	EX
2006	Jagalene	15.5	62.2	33.2	69.1	485	1005	G	ACC	ACC	G	G	G	G	ACC	VG
2004	Shavano	14.4	59.6	33.3	61.0	429	1120	EX	ACC	ACC	G	EX	G	G	G	EX
2005	Shavano	14.4	59.8	30.2	48.4	182	1028	G	ACC	ACC	G	G	G	G	ACC	VG
2006	Shavano	15.7	58.3	34.6	50.0	447	995	G	ACC	ACC	G	G	G	G	ACC	VG

ACC=acceptable

G=good

VG=very good

EX=excellent

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) WestBred LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER HV9W02-846R	3. VARIETY NAME WINTERHAWK
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 14604 S. Haven Rd Haven, KS 67543	5. TELEPHONE (Include area code) (620) 465-2675	6. FAX (Include area code) (620) 465-2693
7. PVPO NUMBER #200800078		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) WestBred LLC	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 14604 S. Haven Rd., Haven, KS 67543 USA	TEMPORARY OR EXPERIMENTAL DESIGNATION HV9W02-846R VARIETY NAME Winterhawk
NAME OF OWNER REPRESENTATIVE (S) Sid Perry	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country) 14604 S. Haven Rd., Haven, KS 67543 USA	FOR OFFICIAL USE ONLY PVPO NUMBER #200800078

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature

Date

12/20/2007